

Forty-eighth Legislature
Second Regular Session

COMMITTEE ON HUMAN SERVICES

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2704

(Reference to printed bill)

1 Page 1, strike lines 26 and 27, insert:

2 "(b) Physical injury to a child that results from abuse as described
3 in section 13-3623, subsection C."

4 Reletter to conform

5 Line 28, after "(b)" insert "PHYSICAL INJURY THAT RESULTS FROM"

6 Page 3, strike lines 43 through 45

7 Page 4, strike lines 1 through 5, insert:

8 "(b) PERMITTING A CHILD TO ENTER OR REMAIN IN ANY STRUCTURE OR VEHICLE
9 IN WHICH VOLATILE, TOXIC OR FLAMMABLE CHEMICALS ARE FOUND OR EQUIPMENT IS
10 POSSESSED BY ANY PERSON FOR THE PURPOSES OF MANUFACTURING A DANGEROUS DRUG AS
11 DEFINED IN SECTION 13-3401.

12 (c) A DETERMINATION BY A HEALTH PROFESSIONAL THAT A NEWBORN INFANT WAS
13 EXPOSED PRENATALLY TO A DRUG OR SUBSTANCE LISTED IN SECTION 13-3401 AND THAT
14 THIS EXPOSURE WAS NOT THE RESULT OF A MEDICAL TREATMENT ADMINISTERED TO THE
15 MOTHER OR THE NEWBORN INFANT BY A HEALTH PROFESSIONAL. THE DETERMINATION BY
16 THE HEALTH PROFESSIONAL SHALL BE BASED ON ONE OR MORE OF THE FOLLOWING:

17 (i) CLINICAL INDICATORS IN THE PRENATAL PERIOD INCLUDING MATERNAL AND
18 NEWBORN PRESENTATION.

19 (ii) HISTORY OF SUBSTANCE USE OR ABUSE.

20 (iii) MEDICAL HISTORY.

21 (iv) RESULTS OF A TOXICOLOGY OR OTHER LABORATORY TEST ON THE MOTHER OR
22 THE NEWBORN INFANT."

23 Reletter to conform

24 Line 15, after "IS" insert "PHYSICALLY"

25 Strike lines 24 through 36

26 Renumber to conform

27 Page 6, line 44, strike "SIXTY" insert "FORTY-FIVE"

1 Page 7, line 44, strike "AN"; strike line 45, insert "A DETERMINATION MADE BY A
2 COURT PURSUANT TO SECTION 8-844, SUBSECTION C, PARAGRAPH 1, SUBDIVISION (c),
3 SHALL BE RECORDED"

4 Page 8, line 1, strike "CHILD"

5 Page 9, line 31, after the second "A" strike remainder of line insert
6 "DETERMINATION PURSUANT TO SECTION 8-844, SUBSECTION C, PARAGRAPH 1,
7 SUBDIVISION (c), THAT A FINDING OF ABUSE OR NEGLECT SHALL BE PLACED ON THE
8 CENTRAL REGISTRY"

9 Page 10, after line 45, insert:

10 "Sec. 5. Section 8-844, Arizona Revised Statutes, is amended to read:

11 8-844. Dependency adjudication hearing; settlement conference or
12 mediation

13 A. Before a contested dependency case proceeds to adjudication, the
14 court shall hold a settlement conference or pretrial conference or shall
15 order mediation. All of the parties in the contested action shall
16 participate in the conference or mediation.

17 B. The court shall take into consideration as a mitigating factor the
18 availability of reasonable services to the parent or guardian to prevent or
19 eliminate the need for removal of the child and the effort of the parent or
20 guardian to obtain and participate in these services.

21 C. If, at the dependency adjudication hearing, the court:

22 1. Finds by a preponderance of the evidence that the allegations
23 contained in the petition are true, the court shall:

24 (a) Make the following findings as to each parent:

25 (i) That the court has jurisdiction over the subject matter and the
26 person before the court.

27 (ii) The factual basis for the dependency.

28 (iii) That the child is dependent.

29 (b) Conduct a disposition hearing.

30 (c) FOR PURPOSES OF INCLUSION IN THE CENTRAL REGISTRY MAINTAINED BY
31 THE DEPARTMENT PURSUANT TO SECTION 8-804, WHETHER THERE IS A SUBSTANTIATED
32 FINDING OF ABUSE OR NEGLECT.

1 2. Does not find by a preponderance of the evidence that the
2 allegations contained in the petition are true, the court shall dismiss the
3 petition.

4 D. The court may adjudicate a child dependent as to one parent or
5 guardian and proceed with a disposition, review or permanency hearing or any
6 other hearing as to that particular parent or guardian notwithstanding
7 another parent's or guardian's request to contest the allegations in the
8 petition or that another parent or guardian has not been served.

9 E. The court may hold the disposition hearing on the same date as the
10 dependency adjudication hearing or at a later date that is not more than
11 thirty days after the date of the dependency adjudication hearing.

12 F. If a parent does not appear at the pretrial conference, settlement
13 conference or dependency adjudication hearing, the court, after determining
14 that the parent has been instructed as provided in section 8-826, may find
15 that the parent has waived the parent's legal rights and is deemed to have
16 admitted the allegations of the petition by the failure to appear. The court
17 may make a determination of dependency and disposition based on the record
18 and evidence presented as provided in rules prescribed by the supreme court.

19 G. Evidence considered by the court in making a decision pursuant to
20 this section shall also include any substantiated allegations of abuse or
21 neglect committed in another jurisdiction."

22 Amend title to conform

and, as so amended, it do pass

J. PETER HERSHBERGER
Chairman

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2/28/08
H:jmb